

=== COVER PAGE ===

TO: _____

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FROM: FUESS AND DAUIDENAS

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COMMENT:

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VIA FACSIMILE

Date: September 8, 2004

Facsimile Number: 703 872-9306

To: Examiner Jacob Cheu Art Unit 1641

Organization: United States Patent and Trademark Office

City: Alexandria, Virginia

From: Fuess & Davidenas
Attorneys at Law
Central Office - 10951 Sorrento Valley Road Suite II-G
San Diego, CA 92121-1613

In Re: FOX 00001P U.S. Serial No. 098/641,667

No. of Pages Being Transmitted (excluding cover page): 19

Special Messages/Instructions: Please Deliver URGENT: Dear Sir: Attached is identical copy of the Amendment previously mailed July 30, 2004 in the matter of the above-identified patent application WITH signature pages (now) signed. (The original

transmission of the Amendment is ratified by this facsimile transmittal.) (signed) William C. Fuess

PLEASE CALL IF YOU HAVE ANY DIFFICULTY WITH RECEIVING/SENDING TRANSMISSIONS. USA (858) 453-3574.

THE INFORMATION IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS MESSAGE, YOU ARE NOT AUTHORIZED TO READ THE REMAINDER OF THIS MESSAGE AND YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (IF LONG DISTANCE, PLEASE CALL COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE MAIL. YOUR POSTAGE WILL BE REFUNDED. THANK YOU.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John S. FOX) Confirmation No.: 6732
Serial No.: 09/641,667) Group Art Unit: 1641
Filed: August 18, 2000) Examiner: CHEU, Changhwa
For: High sensitivity biomolecule detection with magnetic
particles
Atty's Docket No.: FOX 0001P)

San Diego, California
July 30, 2004

Mail Stop AF
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is/are the following document(s) related to
the above-identified patent application:

- | | |
|--|------------------------------------|
| () Acknowledgement of Receipt Card | () Request for Reconsideration |
| () Disclosure Statement/37 CFR \$1.56 | () Affidavit Under 37 CFR \$1.131 |
| () Preliminary Amendment | () Affidavit Under 37 CFR \$1.132 |
| () ___ Month Extension of Time Under | () Notice of Appeal |
| 37 CFR \$1.136 (fee noted below) | () Appeal Brief (in triplicate) |
| () Response Under 37 CFR \$1.111 | () Reply Brief |
| () Amendment Under 37 CFR \$1.115 | () Certificate of Mailing |
| (X) Amendment After Final Rejection | () Communication |
| Under 37 CFR \$1.116 | () Change of Address in |
| () Power of Attorney by Inventor | Application |

Serial No. 09/641,667

- 2 -

CLAIMS AS AMENDED

			Highest No.				
	: Claims Remaining :		: Previously :	Present :		: Add'l	
	: After Amendment :		: Paid For :	Extra :	Rate :	: Fee	
Total Claims:	32	: minus:	102	:	0	: x \$ 9=:	\$
Ind. Claims :	3	: minus:	20	:	0	: x \$39=:	\$
Multiple Dependent Claim Fee							: \$
Fee for Extension of Time (0 Months)							: \$
TOTAL FEE DUE							: \$ 0

- () Applicant(s) hereby petition for a ___ month extension of time under 37 CFR §1.136 (fee noted above).
 (X) No additional fee is required.
 () Enclosed is a check for \$___ in full payment of the above fees. The Commissioner is hereby authorized to charge payment of any additional patent application filing fees under 37 C.F.R. §1.16, 37 C.F.R. §1.17, or patent issue fee under 37 C.F.R. §1.18 associated with this communication or credit any overpayment to Deposit Account No. ____.

A duplicate copy of this letter is enclosed.

Sincerely yours,

William C. Fuess

William C. Fuess
 Registration Number 30,054

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 E-mail: FandD@ricochet.com

- [X] Attorney of Record
 [] Filed Under 37 CFR §1.34(a)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date written below.

July 30, 2004
 Date

William C. Fuess

Typed Name of Person
 Mailing Correspondence

William C. Fuess
 Signature of Person Mailing
 Correspondence

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John S. FOX) Confirmation No.: 6732
Serial No.: 09/641,667) Group Art Unit: 1641
Filed: August 18, 2000) Examiner: CHEU, Changhwa
For: High sensitivity biomolecule detection with magnetic particles
Atty's Docket No.: FOX 0001P)

San Diego, California
July 30, 2004

AMENDMENT UNDER 37 C.F.R. §116

Box AF (After Final)
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the third, second substantive, and final Office Action mailed March 23, 2004 [the set time for response to which was the full six months statutory period], please further amend the above-identified patent application as follows:

In the Claims:

Please amend claims 1, 12, 15, 113 and 116 in accordance with the attached sheets.

REMARKS

Claims 1-17 and 103-116 are in the application. Entrance of this Amendment Under Rule 116, and reconsideration, are respectfully requested.

1. Amendment Sent to the Wrong Attorney(s) at the Wrong Address
A (1) new Power of Attorney designating the undersigned was